

REMARKS

This is in response to the Office Action dated February 24, 2005. The Examiner rejected Claims 1-3 and 9-11 under 35 U.S.C. §102(b) as being anticipated by Wolf et al. Claims 1 -11, 16-33, and 35-36 are pending. Claims 35 and 36 have been added to more fully define the invention.

Claim 1, as amended, defines the invention as a muffler insert for use in a muffler. The muffler insert includes a body of wool-type fibrous material that conforms to the shape of a compartment in a tool. A yarn is wound around the body, which thereby confines the volume of the body.

The Wolf et al. reference discloses a silencer that consists of a tube covered by wound layers of texturized fiber yarn. The Wolf et al. reference does not disclose a muffler insert having a body of wool-type fibrous material that conforms to the shape of a compartment in a tool. The Wolf et al. reference also does not disclose that such a body of fibrous material is confined by a yarn wound around the body of material. Not only does the Wolf et al. reference not show a body of fibrous material confined by a yarn winding, but the reference actually identifies its wound structure as an improvement over such silencers that include blown material, as does the muffler insert of the claimed invention (see Column 1, beginning at Line 29). For at least these reasons, these rejections should be withdrawn.

The Examiner rejected Claims 4-8 and 12-34 as being unpatentable over Wolf et al. in view of Brandt et al.

Claim 16, as amended, defines a method for forming a muffler insert. The method includes the steps of providing a tool having one or more compartments, and introducing a fibrous material within at least one of the compartments to form a wool-type fibrous body. The tool is then placed onto a winding machine, and a yarn is wrapped around at least a portion of the body to form the muffler insert. The tool is then removed from the winding machine and the muffler insert is extracted from the tool.


Claim 25, as amended, defines a method for forming a muffler. The method includes the steps of providing an unfilled muffler insert, and coupling a tool around a portion of the insert. The tool has an upper section and a lower section, with the tool and the insert defining at least one compartment therebetween. At least one of the compartments is filled with a fibrous material such that the material forms a wool-type body within the compartment of the tool. The tool is placed onto a winding machine, and the upper section of the tool is moved away from the lower section to create a gap. A yarn is secured around a portion of the body of fibrous material exposed within the gap to form and the yarn is wrapped around the body to form a filled and wound muffler insert. The tool and the muffler insert are removed from the winding tool and the muffler insert is extracted from the tool. The muffler insert is then coupled with a muffler shell.

The Brandt et al. reference discloses a process for filling a muffler with fibrous material, but there is no teaching or suggestion in either the Brandt et al. or Wolf et al. references to combine such a filling process with the wound silencer of the Wolf et al. reference. In addition to there being no motivation for combining the references provided by either reference, the Wolf et al. reference identifies the wound silencer disclosed by the reference as an improvement over such mufflers containing a blown fiber material, as discussed above. Therefore, the Wolf et al. reference actually teaches away from a combination of the two references. Finally, because there is no motivation to combine the references, there is also no teaching or suggestion of the method steps of utilizing the tool and winding machine to wind the yarn around the body of fibrous material. As such, the objections based upon the combination of the Wolf et al. and Brandt et al. references are without merit and should be withdrawn.

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In light of the amendments and remarks set forth above, Applicants believe that the application is in condition for allowance. Applicants have shown that the claims are patentable over the references. Accordingly, Applicants request withdrawal of the rejections and an early Notice of Allowance. If any fees are due in connection with the filing of this notice, please charge such necessary fees to Deposit Account No. 50-0568.

Respectfully submitted,



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Date

5/24/05

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